

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JON SABIN, Individually and as CEO of
Seizure Alert Dogs for Life, Inc.,

Plaintiff,

v.

7:12-CV-1519
(GTS/TWD)

JASON ARTHURS; JOHN DORMAN;
GILLIAN DORMAN; DORRIE O'MEARA;
individually and as principal of O'Meara Law
Firm; JULIE HUTCHISON, individually and as
Chelsea Hutchison Foundation, Inc.; AMANDA
WHITE; JOSEPH BERARDELLI; CAITLIN
HOWELL; JEFFREY HOWELL; GLENN
CURRY, in his individual capacity and as an
employee of WATN 1240; and COMMUNITY
BROADCASTERS, LLC,

Defendants.

APPEARANCES:

OF COUNSEL:

JON SABIN
Plaintiff Pro Se
P.O. Box 530
South Colton, New York 13687

HON. GLENN T. SUDDABY, United States District Judge

DECISION and ORDER

Currently before the Court, in the above-captioned action for libel and slander filed by Jon Sabin ("Plaintiff") against the eleven above-captioned Defendants pursuant to 28 U.S.C. § 1332(a), is United States Magistrate Judge Therese Wiley Dancks' Report-Recommendation recommending that this action be dismissed *sua sponte* for lack of subject matter jurisdiction pursuant to 28 U.S.C. § 1915(e)(2)(B)(i)-(iii) and Fed. R. Civ. P. 12(h)(3), unless Plaintiff files a timely Amended Complaint curing the defects in his Complaint. (Dkt. No. 3.)

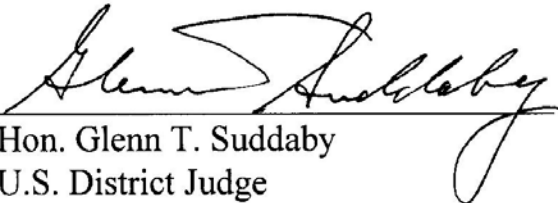
Plaintiff has not filed an Objection to the Report-Recommendation, and the deadline by which to do so has expired. (*See generally* Docket Sheet.) After carefully considering the matter, the Court can find no error with Magistrate Judge Dancks' Report-Recommendation, clear or otherwise. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons stated therein. (Dkt. No. 3.)

ACCORDINGLY, it is

ORDERED that Magistrate Judge Dancks' Report-Recommendation (Dkt. No. 3) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that this action shall be *sua sponte* **DISMISSED** without further Order of this Court, pursuant to 28 U.S.C. § 1915(e)(2)(B)(i)-(iii) and Fed. R. Civ. P. 12(h)(3), **without prejudice to refiling in state court**, unless, within **THIRTY (30) DAYS** of the date of this Decision and Order, Plaintiff submits an Amended Complaint that cures the defects in his Complaint (Dkt. No. 1), which were identified by Magistrate Judge Dancks in her Report-Recommendation (Dkt. No. 3). In the event that Plaintiff files an Amended Complaint within thirty (30) days from the date of this Decision and Order, the Clerk is directed to return the file to Magistrate Judge Dancks for further review.

Dated: December 7, 2012
Syracuse, New York


Hon. Glenn T. Suddaby
U.S. District Judge